



# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

March 21, 2012

Mayor Matti Herrera Bower  
Vice-Mayor Jerry Libbin  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business & Commission Requests  
R10 City Attorney Reports

#### Reports and Informational Items

**Presentations and Awards**

- PA1 Certificates Of Recognition To Be Presented To The Participants In The 11<sup>th</sup> Annual Tour Of Miami Beach Residential Gardens.  
(Requested by Commissioner Jorge R. Exposito)
- PA2 Certificate Of Appreciation To Be Presented To Assistant State Attorney Santiago Aroca, For His Hard Work And Willingness To Go Above And Beyond For Our Residents And Visitors To Our City.  
(Requested By Commissioner Jorge R. Exposito)  
(Deferred from February 8, 2012)
- PA3 Proclamation To Be Presented To DecoBike To Celebrate Their One Year Anniversary.  
(Requested by Commissioner Jorge R. Exposito On Behalf of the Mayor and Commission)
- PA4 Proclamation To Be Presented To Bioplanet USA And To Women's International Zionist Organization And A Certificate To John Oldenburg For Their Participation In The Women's International Zionist Organization (WIZO) Tree Planting Event That Took Place On February 5<sup>th</sup>.  
(Requested by Commissioner Deede Weithorn)
- PA5 Certificate Of Recognition To Be Presented To Gabriel Cooper, Nautilus Middle School Student, For His Heroic Efforts While Assisting A School Crossing Guard.  
(Requested By Commissioner Jonah Wolfson)  
(Deferred from February 8, 2012)
- PA6 Certificate Of Recognition To Be Presented To V & E Restaurant Group (Espanola Way).  
(Requested By Commissioner Jonah Wolfson)  
(Deferred from February 8, 2012)
- PA7 Certificates Of Appreciation To Be Presented To Johnny LaPonzina, President, Professional Course Management (PCM) And Jeffery Hunt, Tournament Director, In Recognition Of The Success Of The First Annual South Beach International Amateur Golf Tournament Hosted At The City's Normandy Shores And Miami Beach Golf Clubs On December 18 - 23, 2011.  
(Requested By Commissioner Jonah Wolfson)
- PA8 Certificate Of Appreciation To Be Presented To Elizabeth Wheaton Of Public Works/ Environmental, For Her Hard Work And Dedication.  
(Requested by Commissioner Jonah Wolfson)

**Presentations and Awards** (Continued)

- PA9 Beautification Awards To Be Presented To St. Joseph Patron Of Universal Church, St. Patrick Catholic Church, Miami Beach Hispanic Community Center, New World Symphony, Soundscape Park, Herzog Garage Lincoln Plaza, And Temple Beth Sholom, In Recognition Of Their Commitment To Maintaining Their Property With The Highest Standards Of Care And Attention To Outward Appearance.  
(Requested by Mayor Matti Herrera Bower)
- PA10 Presentation On Civil Air Patrol By Miami Beach Cadet Squadron Captain Linus Osorio.  
(Requested by Mayor Matti Herrera Bower)
- PA11 Proclamation To Be Presented To Retiring Fire Chief Eric Yuhr For Years Of Service.  
(Requested by Mayor Matti Herrera Bower)
- PA12 Certificates Of Recognition To Be Presented To The SOIL Committee And The Ecology Club From Miami Beach Senior High For The Participation And Dedication In 2012 ECO-Week.  
(Requested by Commissioner Michael Góngora)
- PA13 Certificate Of Recognition To Be Presented To David's Cafe For Their Long Standing Contribution To The City Of Miami Beach.  
(Requested by Commissioner Michael Góngora)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications For Professional Engineering Services On An "As-Needed Basis," To Provide Construction Management Support For Right-Of-Way Capital Improvement Projects.  
(Capital Improvement Projects)

**C2 - Competitive Bid Reports** (Continued)

- C2B Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Auditing Services To Examine The City's Basic Financial Statements Included In The City's Comprehensive Annual Financial Report (CAFR), Federal Grant Programs And State Projects (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's Basic Financial Statements (RDA), The Parking Systems Fund's (PSF) Financial Statements, The Miami Beach Visitor And Convention Authority's (VCA) Financial Statements, The Miami Beach Convention Center Financial Statements, The Building Better Communities Bond Program (BBC) The Children Trust Grant Program (CT), And The Safe Neighborhood Parks And Bond Program (SNP).

(Finance Department)

- C2C Request For Approval To Issue A Request For Proposals (RFP) For The Acquisition Of A Mobile And Handheld License Plate Recognition (LPR) Parking Enforcement System.

(Parking Department/Information Technology/Procurement)

- C2D Request For Approval To Award Contracts To The Lowest And Best Bidders For Groups 1 Through 5 As Follows: Group 1 To Nagels North America, LLC, Group II To Weldon, Williams & Lick, Inc., Group III To Toledo Ticket, Co., And Group IV And V To Rydin Decal, In The Estimated Annual Amount Of \$65,500 For Fiscal Year 2011/2012, And \$160,000 Annually For Subsequent Fiscal Years, Pursuant To Invitation To Bid (ITB) No. 06-11/12, For The Purchase Of Spitter Tickets, Scratch-Off Hang Tags And Two Part Tickets.

(Parking Department/Procurement)

- C2E Request For Approval To Award Contracts To The Lowest And Best Bidders For Line Items 1 Through 6 Pursuant To Invitation To Bid (ITB) No. 07-11/12, For The Purchase And Delivery Of Athletic Uniforms For The Parks And Recreation Department: Items 1, 2, 4, And 5, To Matty's Sports, Inc.; Item 3 To Unicommerce, And Item 6 To Riddell In The Total Estimated Annual Amount Of \$40,299.50.

(Parks & Recreation/Procurement)

- C2F Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 15-11/12, For Concrete Curbing/Sidewalk Construction, Purchase Of Asphaltic Concrete/Related Materials, And Striping Of City Streets And Parking Lots; Awards Shall Be Based On Firms' Unit Prices As Follows: Group I: For Concrete Curbing/Sidewalk Construction, Team Contracting, Inc.; Group II: For Milling And Resurfacing Of Asphalt Concrete And The Purchase Of Asphaltic-Related Materials, Metro Express, Inc.; Group III: For Asphaltic Concrete/Related Material To Be Picked Up Or Delivered To The City, H & R Paving, Inc.; And Group IV: For Striping Of City Streets And Parking Lots, H & R Paving, Inc. In The Estimated Annual Amount Of \$550,004.

(Public Works/ Procurement)

**C2 - Competitive Bid Reports** (Continued)

- C2G Request For Approval To Issue A Request For Proposals (RFP) For The Installation And Operation Of Citywide Automated Teller Machines (ATM) At Various City-Owned Properties And Facilities.  
(Real Estate, Housing & Community Development)  
(Deferred from February 8, 2012)
- C2H Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of Food And Beverage Concessions In The City's Parks.  
(Real Estate, Housing & Community Development)

**C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding Assigning Funds For The Placement Of A Fence Around South Pointe Park Tot Lot Area.  
(Requested by Commissioner Jorge R. Exposito)
- C4B Referral To The Finance And Citywide Projects Committee - Discussion On The Normandy Shores Park At Its Existing Area Next To The Tennis Courts To Include A Vita Course Equipment, Trees, Benches And An Open Area For Children To Run And Play And People To Sit And Enjoy The View.  
(Requested by Commissioner Jorge R. Exposito)
- C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Implementation Of A "See It, Report It" Campaign To Facilitate And Expedite The Reporting Of Code Compliance And Non-Emergency Police Issues.  
(Requested by Commissioner Deede Weithorn)
- C4D Referral To Land Use And Development Committee - Discussion Regarding The Enforcement Of Short Term Rentals.  
(Requested by Commissioner Deede Weithorn)
- C4E Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The 41<sup>st</sup> Street Life Safety Recommendations From The Committee For Quality Education.  
(Requested by Commissioner Deede Weithorn)
- C4F1 Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Guidelines For Film Permits Issued In Residential Neighborhoods.  
(Requested by Mayor Matti Herrera Bower, Commissioner Deede Weithorn & Vice-Mayor Jerry Libbin)

**C4 - Commission Committee Assignments** (Continued)

- C4F2 Referral To The Neighborhood/Community Affairs Committee - Proposed Amendments To The City's Film And Print Permit Guidelines.  
(Tourism & Cultural Development)
- C4G Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding A Resolution To Establishing And Designating Tobacco-Free Zones In All City Parks And Outdoor Recreational Facilities.  
(Requested by Vice-Mayor Jerry Libbin)
- C4H Referral To The Finance And Citywide Projects Committee - Discussion Regarding A Renewal Of The Current Management Agreement Between The City Of Miami Beach And The Miami Beach Garden Conservancy For The Management And Operation Of The Botanical Garden; As Well As A Proposal To Increase The Rental Rates For Use Of The Facility.  
(Real Estate, Housing & Community Development)
- C4I Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding Mass Transit Connectivity Within Miami Beach And With Miami-Dade County.  
(Requested by Commissioner Edward L. Tobin)
- C4J Referral To The Neighborhood/Community Affairs Committee – Discussion Regarding Prohibition Of Cat Feeding In Miami Beach City Parks.  
(Requested by Commissioner Edward L. Tobin)
- C4K Referral To The Land Use And Development Committee - Discussion Regarding The Terminal Island Traffic Study And Circulation Study.  
(Requested by Commissioner Michael Góngora)
- C4L Referral To The Finance And Citywide Projects Committee - Discussion Regarding A Recommendation By The GLBT Committee To Address The Issue Of The Benefits Tax Inequality For City Employees With Registered Domestic Partners Versus Legally Married Spouses.  
(Requested by Mayor Matti Herrera Bower)
- C4M Referral To The Land Use And Development Committee - Discussion On Ways To Enhance The Land Use Boards Of Miami Beach In Order To Improve The Building And Planning Department And Processes.  
(Requested by Commissioner Michael Góngora)
- C4N Referral To The Land Use And Development Committee - Discussion Regarding The Possibility Of Restricting Destination Restaurants In The South Of Fifth Neighborhood.  
(Requested by Mayor Matti Herrera Bower)

**C6 - Commission Committee Reports**

- C6A Report Of The Capital Improvement Projects Oversight Committee Meeting On December 12, 2011: **1)** Attendance. **2)** Review And Acceptance Of Minutes. **3)** Approval Of 2012 Meeting Dates. **4)** Accomplishments. **5)** Public Comments. **6)** Old Business/Requested Reports: **6A)** Status Report: Normandy Isle; **6B)** Status Report: Sunset Island I & II; **6C)** Status Report: Sunset Island III & IV; **6D)** Status Report: Lower North Bay Road; **6E)** Status Report: Par 3 Golf Course; **6F)** Attachment B - Action Item #2 (Water Meter Relocation Coordination); **6G)** Status Report: Venetian Islands; **6H)** Status Report: Stormwater Master Plan/Re-Engineering Of Sunset Harbor Drainage; **7)** Sunset Island I & II RPR Services.
- C6B Report Of The Finance And Citywide Projects Committee Meeting On January 19, 2012: **1)** Follow Up: Report On The Number Of Business Tax Receipts (BTRS) Outstanding. **2)** Discussion Regarding Amendments To The Recycling Ordinance. **3)** Discussion Regarding Towing Permits. **4)** Discussion Of A Proposed Modification Of The Promissory Note Dated February 5, 2007, Between MBCDC: Meridian Place, LLC, A Florida Limited Liability Corporation, To The Miami Beach Redevelopment Agency; And To Discuss A Subordination Of The City's Mortgages In Favor Of A Mortgage Made By A Commercial Lending Institution. **5)** Report On The Status Of FY 2010/11 Potential New Revenue Initiatives. **6)** Request For Approval To Issue A Request For Qualifications (RFQ) For A Fourth Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services. **7)** Discussion Concerning City Fees And Charges For Gay Pride 2012. **8)** Discussion Pertaining To The Issuance Of A Request For Proposals (RFP) For Auditing Services For The City's (CAFR), (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's Basic Financial Statements (RDA), (PSF), (VCA) Financial Statements, The Miami Beach Convention Center, As Managed By Global Spectrum, Financial Statements, The Children's Trust Program, The Building Better Communities Bonds Program, And The Safe Neighborhood Parks And Bond Program (SNP). **9)** Discussion Regarding Property Assessed Clean Energy (PACE) Program. **10)** Discussion Pertaining To A Retail Lease Agreement Between The City And South Florida Salon Group, Inc., For Use Of Approximately 1,327 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue, Unit 1 (A/K/A 765 17TH Street), Miami Beach, Florida. **11)** Discussion Pertaining To A Retail Lease Agreement With Groove Man Entertainment, Inc. Involving Suites 1 Through 4 In The Anchor Shops, Located At 1550 Collins Avenue, Miami Beach, Florida. **12)** Discussion Regarding PAL's Refusal To Hand Over Public Records.
- C6C Report Of The Finance And Citywide Projects Committee On March 1, 2012: **1)** Selection Of Chair For Finance And Citywide Committee. **2)** Discussion Concerning City Fees And Charges For Gay Pride 2012. **3)** Discussion Regarding Property Assessed Clean Energy (PACE) Program. **4)** Discussion Regarding Sanitizer Dispensers At City Facilities To Lessen Illness And Increase Productivity. **5)** Discussion Regarding The Issuance Of Request For Proposals (RFP) For Catering And Concession Services For The Miami Beach Convention Center. **6)** Ordinance Amending Penalty Charges For Late Utility Bills. **7)** Discussion Regarding Consideration Of A Letter Of Agreement Between The City Of Miami Beach And Art Basel Miami Beach Outlining Terms And Conditions For Use Of Public Property By Art Basel Miami Beach. **8)** Discussion Regarding Updates On The Collins Canal/Bike Path Project.

**C6 - Commission Committee Reports** (Continued)

- C6D Report Of The Land Use And Development Committee Meeting On February 15, 2012: **1)** Election Of Chair And Vice-Chair **2)** An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-53, "Composition;" Division 3, "Design Review Board," Section 118-72, "Membership;" Division 4, "Historic Preservation Board," Section 118-103, "Membership;" And 118-104, "Appointment;" Division 5, "Board Of Adjustment," Section 118-131, "Membership," To Clarify The Qualifications And Categories Of Members To Be Appointed To The City's Land Use Boards. **3)** Discussion On The Parking Requirement And How We Can Incentivize For Good Hotel Development. **4A)** Discussion Of Jurisdiction Of Land Use Boards Over Appeals. **4B)** Discussion Of Procedures For Obtaining Informal Opinions And Formal Administrative Determinations From The Planning Director. **5)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **6)** Use Of Legal Nonconforming Commercial Building In Single-Family Districts. **7)** Discussion Regarding Sidewalk Café Permits On The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420 Garage, Located At The Corner Of 16<sup>th</sup> Street & Drexel Avenue. **8)** Discussion Of An Ordinance Establishing The Miami Beach Energy Economic Development Zone.
- C6E Report Of The Neighborhood/Community Affairs Committee Meeting On January 30, 2012: **1)** Discussion Regarding A Review Of The City's Special Event Permit Policy, Which Does Not Allow For Any New Events During Spring Break And Ultra Festival. **2)** Follow-Up Discussion Regarding The Lack Of Parking For Permit Paying Residents In The Flamingo Park Parking Lot P-10. **3)** Follow-Up Regarding A Proposal To Honor The Extensive Community Legacy Of Stanley Levine With A Memorial Bench On Lincoln Road. **4)** Quarterly Crime Statistics Report. **5)** Discussion Concerning The Special Events Ordinance. **6)** Discussion Regarding Enforcement Of Litter Laws To The Distribution Of Handbills On Ocean Drive, Possible Handbill-Free Zones, And Possible Amendments Of Sidewalk Cafe Regulations To Address The Soliciting Of Restaurant Business In The Public Rights Of Way, And Possible Requirements For Alcoholic Beverage Establishments Regarding Open Containers. **7)** Discussion Regarding A Potential Signage Program Establishing Miami Beach As A Hate Free Zone. **8)** Discussion Regarding An Ordinance Granting To Florida Power And Light Company, Its Successors And Assigns, An Electric Franchise Imposing Provisions And Conditions Relating Thereto, Providing For Monthly Payments To The City Of Miami Beach, And Providing For An Effective Date. **9)** Discussion Regarding Incorporating Children With Master Artists (Ie: Wyland And Britto) To Raise Funds For The Cultural Arts Council And College Scholarships. **10)** Discussion Regarding One Or More Satellite Art Fairs From Mid-Town To North Beach During The Week Of Art Basel.



**C6 - Commission Committee Reports** (Continued)

- C6F Report Of The Neighborhood/Community Affairs Committee On February 27, 2012: **1)** Selection Of A Chair And Vice-Chair. **2)** Follow-Up Report Concerning Quality Of Life Issues For West Avenue. **3)** Discussion Regarding One Or More Satellite Art Fairs From Mid-Town To North Beach During The Week Of Art Basel. **4A)** Discussion Regarding Enforcement Of Litter Laws To Include The Distribution Of Handbills On Ocean Drive, Possible Handbill-Free Zones, And Possible Amendments Of Sidewalk Cafe Regulations To Address The Soliciting Of Restaurant Business In The Public Rights Of Way, And Possible Requirements For Alcoholic Beverage Establishments Regarding Open Containers. **4B)** Discussion Regarding The Use Of Plastic Straws On The Beach. **5)** Discussion Regarding The Miami Design Preservation League's Placement Of A Barbara Capitan Memorial Bust In Lummus Park. **6)** Discussion Regarding Muss Park Improvements And Seawall. **7)** Discussion Regarding Sunrise Plaza And Beachwalk. **8)** Discussion And Update On The Citywide Dunes Maintenance Plan. **9)** Discussion Regarding The Status Of The Major Event Plan For The Winter Music Conference And Spring Break. **10)** Discussion Regarding Parking At The Scott Rakow Youth Center.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) Florida Inland Navigation District For Funding In The Approximate Amount Of \$1,000,000 For The Construction Phase Of South Pointe Pier; 2) State Of Florida, Department Of Health, For Funding In The Approximate Amount Of \$20,000 For Equipment Related To Pre-Hospital Emergency Services; 3) The Association Of Performing Arts Presenters And Metlife Foundation In The Approximate Amount Of \$25,000 For Sleepless Night 2012; And, 4) State Of Florida, Department Of Environmental Protection, Land And Water Conservation Fund In The Approximate Amount Of \$200,000 For The Par 3 Golf Course Master Plan Project; Appropriating The Above Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.  
(Budget & Performance Improvement)
- C7B A Resolution Approving An Escrow Agreement Between The City Of Miami Beach And Jose R. Romero To Escrow Funds From The Sale Of 204 North Flagler Avenue, Homestead, Florida; 550 North Flagler Avenue, Homestead, Florida; 610 North Flagler Avenue, Homestead, Florida; And 700 North Flagler Avenue, Homestead, Florida; In Order To Facilitate The Rehabilitation Of And Compliance With Outstanding Code Violations On The Real Property Located At 6955 Carlyle Avenue, Miami Beach, Florida; 8119 Crespi Boulevard, Miami Beach, Florida; And 8230 Byron Avenue, Miami Beach, Florida Owned By Jose R. Romero; And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents.  
(City Attorney's Office & Finance Department)

**C7 - Resolutions** (Continued)

- C7C A Resolution Approving The Settlement In The Amount Of \$15,000.00 For City Liens On Property Owned By Museum Walk Apartments, LLC, Located At 2315 Pine Tree Drive, 2335 Pine Tree Drive, 2365 Pine Tree Drive, 320 24th Street, 2370 Flamingo Drive, And 2380 Flamingo Drive, In The Original Amount Of \$256,918.20, And Further Authorizing The City Manager To Take Such Action And Execute Any And All Necessary Documents To Complete Such Lien Release And Settlement.

(City Attorney's Office)

- C7D A Resolution Lifting The Moratorium On Naming Requests And, Following Which, Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Erect A Memorial Honoring Barbara Baer Capitman, In The Form Of A Bronze Bust Resting On A Terrazzo Plinth, To Be Installed In The 1100 Block Of Lummus Park, And Further Setting A Public Hearing To Consider Such Request To Be Scheduled For The City Commission Meeting Of April 11, 2012.

(Requested by Mayor Matti Herrera Bower)

(Legislative Tracking: Parks & Recreation)

- C7E A Resolution Amending Resolution No. 2010-27513, To Correct A Scrivener's Error By Retroactively Approving The \$20 Event Parking Flat Rate For Non-Residents At Certain Attended Municipal Surface Lots, For FY 2011/2012 And Future Years, During High Impact Events, Including Spring Break And Memorial Day Weekend; With Said Rate Having Been Deemed To Have Commenced And Became Effective As Of October 1, 2011, And To Continue In Effect In Subsequent Years, Until Otherwise Amended.

(Parking Department)

- C7F A Resolution Authorizing The City Manager, And City Clerk To Execute A Voluntary Cooperation And Operational Assistance Mutual Aid Agreement With The Florida International University, By And Through The Florida International University Police Department, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And The Florida International University.

(Police Department)

- C7G A Resolution Authorizing The Mayor And City Clerk To Execute A Supplemental Services Agreement Between The City Of Miami Beach And New World Systems Corporation, To Provide Software Enhanced Services For The Aegis MSP Property Room Software Module, For The Total Amount Of \$37,000.00, That Shall Be Funded From The United States Department Of Justice, Office Of Justice Programs, Bureau Of Justice Assistance Grant.

(Police Department)

- C7H A Resolution Approving And Authorizing The Mayor And The City Clerk To Grant A Utility Easement To Florida Power And Light At Flamingo Park For The Installation And Maintenance Of A Transformer And Conduits That Will Serve The Flamingo Park Tennis Center.

(Public Works)

**C7 - Resolutions** (Continued)

- C7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Utility Design By FDOT Consultant Agreement With The Florida Department Of Transportation (FDOT), Providing For The Design Of City-Owned Utilities That Require Relocation, As Part Of FDOT's State Road (S.R.) 907/Alton Road Project From 5th Street To Michigan Avenue (FM # 249911-1-52-02 And FM # 249911-3-52-02).  
(Public Works)
- C7J A Resolution Approving And Authorizing The City Manager, Or His Designee, To Re-Allocate Funds In The Amount Of \$30,646 Previously Appropriated For Project No. PKNNSGCFEN, Entitled "NSGC Aluminum Picket Security Fence In Normandy Shores", For The Purchase And Installation Of Eight (8) Gate Security Cameras And Installation Of Two (2) Automatic Gate Arms At Each Rear Entrance (For A Total Of Four (4) Gate Arms).  
(Public Works)
- C7K A Resolution Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement With Calvin Giordano & Associates, Inc., Pursuant To The Request For Qualifications (RFQ) No. 20-10/11, For Design, Bid And Award, And Construction Administration Services, For The Middle Beach Recreational Corridor; In The Not To Exceed Amount Of \$529,630; With Funds Previously Appropriated In The Middle Beach Recreational Corridor Phase II Project.  
(Public Works)
- C7L A Resolution Approving Amendment No. 2 To The Contract Between The City And Professional Building Services, Dated August 3, 2011, For Citywide Janitorial Services, Said Amendment Adding The Following Locations: Historic City Hall; Police Substation; North End Ocean Rescue Headquarters; And Beachfront Restrooms; And Increasing The Contract, In The Amount Of \$17,473.74 Per Month.  
(Public Works)
- C7M A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's FY 2008-2012 Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Their Annual Plan For Fiscal Year 2012, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The City Manager To Execute Any Subsequent Certifications Of Consistency With The City's Consolidated Plan For The Aforesaid Plans.  
(Real Estate, Housing & Community Development)
- C7N A Resolution Authorizing A Substantial Amendment To The City's 2008 Action Plan To Reprogram \$24,842 Of Homeless Prevention And Rapid Re-Housing Program Funds To Reduce The Funding From Administration Costs, While Increasing The Funding For Direct Financial Assistance Services To Eligible Homeless Clients; Further Authorizing The City Manager To Execute All Contracts, Agreements And Amendments Necessary To Carry Out The Above Program.  
(Real Estate, Housing & Community Development)

**C7 - Resolutions** (Continued)

- C7O A Resolution Authorizing A Substantial Amendment To The City's 2008 Action Plan To Reprogram \$26,117.28 Of Community Development Block Grant Recovery (CDBG-R) Funds To Reduce The Funding From Administration Costs While Increasing The Funding For The Boys And Girls Clubs Of Miami-Dade Youth Center Project; Further Authorizing The City Manager To Execute All Contracts, Agreements And Amendments Necessary To Carry Out The Above Program.

(Real Estate, Housing & Community Development)

- C7P A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Waiving The Square Footage And Lummus Park User Fees For Gay Pride 2012 And Requesting The Administration Develop Criteria For Future Fee Waivers.

(Requested by the Finance & Citywide Projects Committee)

(Legislative Tracking: Tourism & Cultural Development)

- C7Q A Resolution Approving And Authorizing The City Manager To Execute A Memorandum Of Understanding Between The City And Sunset Islands III & IV Property Owners, Inc. Memorializing Certain Additional Timeframes And Terms And Conditions, As Agreed To Between The Parties, And Pertaining To The Creation And Establishment By The City Of The Proposed Sunset Islands 3 & 4 Special Assessment District For Undergrounding Utilities.

(Public Works)

**End of Consent Agenda**

**REGULAR AGENDA**

**R5 - Ordinances**

- R5A An Ordinance Amending Chapter 110 Of The City Code, Entitled "Utilities," By Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 3, Entitled "Billing Procedure," By Amending Section 110-191, Entitled "Payment Of Bills," By Amending 110-191(B) By Changing The Penalty For Late Utility Bills From Ten Percent Of The Current Bill To 1.5% Per Month Of The Late Outstanding Balance; Providing For Repealer, Severability, Codification And Effective Date. **10:15 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Finance Department)  
(Continued from January 11, 2012/Referred to FCWPC)
- R5B Continuances By Land Use Boards  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-134, "Notification Of Hearings," Article IV, "Conditional Use Procedure," Section 118-193 "Applications For Conditional Uses"; Article VI, "Design Review Procedures," Article X, "Historic Preservation," And Article XI "Neighborhood Conservation Districts (NCD)," To Clarify That Continuances Shall Be Noticed By Mail And Newspaper After The First Continuance Granted By A Land Use Board; Providing For Repealer; Codification; Severability And An Effective Date. **10:30 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Planning Department)  
(Continued from February 8, 2012)
- R5C Recycling Ordinance  
An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Collector Liability, A "Red Tag" Noticing System, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading Public Hearing**  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Public Works)  
(Continued from January 11, 2012/Referred to FCWPC)

**R5 - Ordinances** (Continued)

- R5D An Ordinance Amending Chapter 100 Of The Miami Beach City Code, By Creating Article II Entitled, "Energy Economic Development Zone Pilot Program;" Creating Sections 100-21 Through 100-27 Thereof, Providing For Purpose, Definitions, Energy Economic Development Zone Boundaries, Eligibility Criteria, Energy Efficiency Standards, And Program Guidelines And Review To Allow Businesses In The City To Participate In The Florida Energy Economic Development Zone Pilot Program, As Further Detailed In The Ordinance; Providing For Severability; Codification, Repealer, And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Requested by the Sustainability Committee)  
(Economic Development)  
(First Reading on February 8, 2012/Referred to LUDC)

- R5E Short Term Rental Of Apartment Units Or Townhomes  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142 Of The City Code, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," By Amending Section 142-1111, "Short Term Rental Of Apartment Units Or Townhomes," To Allow An Extension Of Time For Applications Due To Governmental Error; Providing For Repealer, Severability, Codification, And An Effective Date. **10:45 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: Planning Department)  
(First Reading on February 8, 2012)

- R5F An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 2, Entitled "Disability Access Committee," By Amending Sec. 2-31(D) To Increase The Number Of Members From Seven (7) To Fourteen (14) And Amending The Quorum Requirement; Providing For Codification, Repealer, Severability, An Effective Date, And A Sunset Date. **First Reading**

(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Public Works)  
(Deferred from February 8, 2012)

**R5 - Ordinances** (Continued)

- R5G An Ordinance Amending The Following Chapters In The Code Of The City Of Miami Beach To Provide Civil Enforcement And Penalty Provisions To Replace Criminal Misdemeanor Enforcement And Penalty Provisions As Follows: Amending Chapter 70 Entitled "Miscellaneous Offenses," By Amending Article I, Entitled "In General," By Amending Section 70-6, Entitled "Penalties," To Provide Civil Penalties And Special Master Enforcement Provisions Relative To The Prohibitions In Chapter 70, Except For Violations Of Section 70-3 Entitled "Vibration"; By Amending Chapter 74 Of The Miami Beach City Code Entitled "Peddlers And Solicitors," By Amending Article I, Entitled "In General," By Amending Section 74-1 Entitled "Soliciting Business In Public From Pedestrians," By Providing That The Solicitation Of Any Food, Beverage Or Service Is Also A Prohibited Activity And Providing Civil Penalties And Special Master Enforcement Provisions; By Amending Chapter 82 Of The Miami Beach City Code Entitled "Public Property," By Amending Article I, Entitled "In General," By Amending Section 82-1, Entitled "Conducting Business On Streets, Parks Or Other Public Property," By Providing Civil Penalties And Special Master Enforcement Provisions; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**

(Requested by Finance & Citywide Projects And Neighborhood/Community Affairs Committees)  
(Legislative Tracking: Building Department)

- R5H Vacant Storefront Screens And Signs  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, Entitled "Signs", By Amending Article IV, Entitled "Temporary Signs", By Creating A New Section 138-140, Entitled "Vacant Storefront Screens And Signs," Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**  
(Requested By Commissioner Jerry Libbin)  
(Legislative Tracking: Planning Department)

- R5I Rooftop Small Wind Turbines  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142 Of The City Code, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts, Section 142-105(e), "Height Restrictions," By Amending The Height Regulation Exceptions To Permit Small Roof Wind Turbines Up To 10 Feet Above The Main Roofline; And Amending Article IV, "Supplementary District Regulations," Division 5, "Height Regulations," By Amending Section 142-1161," To Permit Roof Wind Turbines Subject To Certain Restrictions And Conditions; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by Commissioner Edward L. Tobin)  
(Legislative Tracking: Planning Department)

**R5 - Ordinances** (Continued)

- R5J An Ordinance Amending Chapter 82, Of The Code Of The City Of Miami Beach, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-504, Entitled "Monuments Or Memorials," By Adding Criteria To Provide: A) That The Mayor And City Commissioners Shall Be Limited To Proposing The Establishment Of One Monument Or Memorial Per Term Of Elected Office; B) That The Costs Of The Design, Fabrication And On-Going Maintenance For Monuments Or Memorials Shall Be The Sole Responsibility Of, And Must Be Borne By, The Requesting Organization, Group Or Individual, Unless All Or Any Portion Of This Requirement Is Waived By An Affirmative Vote Of 6/7ths Of The City Commission Following A Duly Noticed Public Hearing; And C) That Any Person To Be Recognized By The Establishment Of A Monument Or Memorial Must Be In Good Standing In The Community And If, After The Honor Is Bestowed, The Person Is Convicted Or Adjudicated Guilty Of A Felony, The Name Of The Person Shall Be Removed From Such Monument Or Memorial Or The Monument Or Memorial Itself May Be Removed; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Requested by the Neighborhood/Community Affairs Committee)  
(Legislative Tracking: Parks & Recreation)
- R5K An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article III Thereof, Entitled "Litter," By Amending Section 46-92 To Provide Comprehensive Amendments Thereto By Amending The Definition Of Litter And The Litter Prohibition Provisions In Subsections (A) And (B); Prohibiting Styrofoam Products And Plastic Straws On City Beaches; Re-Lettering And Renaming Existing Provisions In Subsections (A) Through (O) For Ease Of Reference And Creating New Provisions In Subsection (G) To Provide Prohibitions On The Distribution Of Commercial Handbills: A) In The Art Deco Historic District During High Impact Periods In The City; B) Within 20 Feet Of Sidewalk Cafes; And C) On City Beaches East Of The Dunes, Providing Fines And Penalties For The Violation Of Subsection (G) In The Re-Lettered Subsection (H); And Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**  
(Requested by Commissioner Jorge R. Exposito)  
(Legislative Tracking: Code Compliance)
- R5L1 AFSCME Local 1554 Cost-Of-Living Adjustment (COLA)  
An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group I, Represented By The American Federation Of State, County And Municipal Employees (AFSCME) Local 1554, In Accordance With The Negotiated Collective Bargaining Agreement, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**  
(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)  
(Legislative Tracking: Human Resources)  
(Deferred from February 24, 2012)



**R5 - Ordinances** (Continued)

R5L2 FOP William Nichols Lodge No. 8 Cost-Of-Living Adjustment (COLA)

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group II, Represented By The Fraternal Order Of Police (FOP) William Nichols Lodge No. 8, In Accordance With The Negotiated Collective Bargaining Agreement, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each FOP Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

R5L3 IAFF Local 1510 Cost-Of-Living Adjustment (COLA)

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group III, Represented By The International Association Of Firefighters (IAFF) Local 1510, In Accordance With The Negotiated Collective Bargaining Agreement, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each IAFF Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

R5L4 CWA Local 3178 Cost-Of-Living Adjustment (COLA)

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group IV, Represented By The Communications Workers Of America (CWA) Local 3178, In Accordance With The Negotiated Collective Bargaining Agreement, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

**R5 - Ordinances** (Continued)

R5L5 GSAF, OPEIU, Local 100 Cost-Of-Living Adjustment (COLA)

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group V, Represented By The Government Supervisors Association Of Florida (GSAF), OPEIU, Local 100, In Accordance With The Negotiated Collective Bargaining Agreement, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

R5L6 Others Cost-Of-Living Adjustment (COLA)

1. Alternative A - Ordinance

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VI, Being All Classifications In The Classified Service Not Represented By A Bargaining Unit (Commonly Referred To As "Others"), Effective The First Full Pay Period Ending In April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Applicable Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

2. Alternative B - Resolution

A Resolution Providing For All Classifications In Group VI, Being All Classified Employees In The Classified Service Not Represented By A Bargaining Unit (Commonly Referred To As "Others"), Effective The First Full Pay Period Ending In April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Up To Three Percent (3%) For Those Employees Who Are Not Currently At The Maximum Of The Pay Range Of Their Job Classification; And Providing No Adjustment To The Minimum And Maximum Of Each Pay Range.

(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

**R5 - Ordinances** (Continued)

R5M Unclassified Employees Cost-Of-Living Adjustment (COLA) Alternative A & B

1. Alternative A:

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For All Unclassified Employees, Effective The First Full Pay Period Ending In April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification.  
**First Reading**

2. Alternative B:

A Resolution Providing For All Unclassified Employees, Effective The First Full Pay Period Ending In April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Up To Three Percent (3%) For Those Employees Who Are Not Currently At The Maximum Of The Pay Range Of Their Job Classification; And Providing No Adjustment To The Minimum And Maximum Of Each Pay Range.

(Legislative Tracking: Human Resources)

(Deferred from February 24, 2012)

R5N An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida (The "Ordinance"), As Follows: Amending Section 1 Of The Ordinance To Delete The Line Item Referencing "Grade 26," As Currently Located Underneath The Subsection Entitled, "Class And Pay Grades, Salaries And Classifications," And Further Referenced Thereunder Under The Sub-Sections Entitled "Minimum Biweekly" And "Maximum Biweekly;" And Creating A New Sub-Subsection For Pay Grade "26," To Be Entitled "Grade, Classifications And Compensation For The City Manager And City Attorney", Which Sets Forth The Current Compensation For The City Manager And City Attorney Positions; Repealing All Ordinances In Conflict Therewith; Providing For Severability, An Effective Date And Codification.

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: City Attorney's Office)

**(Ordinance to be Submitted in Supplemental)**

**R7 - Resolutions**

- R7A A Resolution Approving, In Substantial Form, A Professional Services Agreement, Pursuant To Request For Qualifications No. 31-10/11, Between The City And A Joint Venture Of Zaha Hadid Limited T/A Zaha Hadid Architects And Berenblum Busch Architecture, Inc., For The Planning, Architectural, Engineering, Design, Bid And Award, And Construction Administration Services For The Collins Park Garage Project; Said Agreement In The Negotiated Lump Sum Amount Of \$2,438,123, Plus An Additional Not To Exceed Amount Of \$413,700 (For Other Direct/ Specialty Services), Plus An Additional Not To Exceed Amount Of \$100,000 (For Reimbursable Expenses); For A Total Amount Of \$2,951,823; With Appropriated Funds From The Fiscal Year (FY) 11/12 Capital Budget, In The Amount Of \$1,500,000 From Fund-365, City Center RDA Capital Funds, And \$1,451,823 From RDA Operating Budget Account No. 168-1985-000999; Further Authorizing The City Manager And City Attorney To Finalize The Agreement And, Once Finalized, Authorizing The Mayor And City Clerk To Execute The Agreement (Provided, However, That In The Event Of Any Substantive Changes, As Determined By The City Manager And City Attorney, To The Terms Of The Agreement Approved Pursuant To This Resolution, Then Requiring That The Final Agreement Be Brought Back To The City Commission For Approval).  
(Capital Improvement Projects/Procurement)
- R7B A Resolution Approving And Authorizing The Appropriation Of Advance Funds In The Amounts Of \$1,103,450 From Fund 307 - NB Quality Of Life Resort Tax Fund, And \$700,000 From Fund 305 - SB Quality Of Life Resort Tax Fund, For The Band Shell Park Master Plan Improvements And The Flamingo Park Projects, Respectively; With Such Funds To Be Repaid From Miami-Dade County General Obligation Bonds To Finance The Building Better Communities Program.  
(Capital Improvement Projects)
- R7C A Resolution Approving The Guaranteed Maximum Price (GMP) Submitted By James B. Pirtle Construction Co. Inc., As Required Pursuant To The Pre-Construction Services Agreement, Dated November 16, 2011, For The Construction Of The Flamingo Park Tennis Center Project; Said GMP In The Amount Of \$5,231,816, Plus An Owner's Project Contingency Of \$146,719, For A Total Of \$5,378,535; With Previously Appropriated Funding, In The Amount Of \$373,561, From Fund 377 - 99 G.O. Bonds; \$2,398,163 From Fund 383 - 2003 G.O. Bonds; And \$2,606,811 From Fund 388 - SP Post RDA CDT And Municipal Resort Tax. .  
(Capital Improvement Projects)
- R7D A Resolution Directing That An Application For A Sidewalk Café Permit For The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Park @ 420 Garage, Located At The Corner Of 16th Street & Drexel Ave., Be Sent To The Land Use And Development Committee (LUDC) For Review And Approval.  
(Planning Department)

**R7 - Resolutions** (Continued)

- R7E A Resolution Pertaining To That Certain City Construction Project Referred To As The “Biscayne Point Neighborhood Right-Of-Way Improvements Project” (The Project) And, With Respect To Such Project, Pursuant To The Authorization Granted To The City Manager Via Resolution No. 2011-27809 To Take Certain Actions To Procure The Necessary Emergency Design And Construction Services Pursuant To A Negotiated Design-Build Contract The City Manager Has Taken The Following Actions: 1) Prepared A Design Criteria Package (DCP) Through The City’s Public Works Department (PWD); 2) Negotiated A Design-Build Contract With A Guaranteed Maximum Price (GMP) With The Firm Of David Mancini & Sons, Inc. (DMSI), In The Amount Of \$X,XXX,XXX, Which Includes The Remaining Water, Stormwater, Landscape And Streetscape Improvements For The Original Contract, Additional Scope Of Work Requested By The City’s Public Works Department (PWD), And The Residents Of The Biscayne Point Neighborhood, And Assumed Contractor Risk Associated With A Typical Design-Build Contract; 3) Negotiated A Settlement Agreement With DMSI In The Amount Of \$X,XXX,XXX, Which Includes Payment For Work Performed As Part Of The Original Contract, Through The Settlement Date Of XXXXXX, 2012, Payment For Approved Change Orders And Credits Executed As Of The Date Of The Settlement Agreement Execution, And Compensation For Delays And Claims Resulting From Deficiencies In The Original Construction Documents; Where The Combined Sum Of The Negotiated Design-Build GMP And The Negotiated Settlement Agreement Amount Is \$XX,XXX,XXX, Which Is Greater Than The Not-To-Exceed Amount Of \$11,998,535, Previously Approved By The City Commission Via Resolution No. 2011-27809, But Necessary To Incorporate The Additional Scope Of Work, And Compensation For Delays And Claims; And Requests Approval From The Mayor And City Commission For The Increased Amount And Approval For An Increase To The Project Professional Services Budget, In The Amount Of \$X,XXX,XXX, For Supplementary Architectural/Engineering (A/E) Professional Services; With Previously Appropriated Funding In The Amount Of \$2,335,674; And Further Appropriating \$XXX,XXX From General Obligation Bond Fund XXX, \$XXX,XXX From Water And Sewer Bond Fund Xxx, And \$XXX,XXX From Fund XXX, Stormwater Projects Line Of Credit, With Such Funds To Be Repaid From Future Stormwater Bonds.

(Capital Improvement Projects Office)

**(Memorandum to be Submitted in Supplemental)**

- R7F A Resolution Consenting To And Confirming The Appointment Of The New Fire Department Chief For The City Of Miami Beach.

(Human Resources)

**(Memorandum to be Submitted in Supplemental)**

- R7G A Resolution Consenting To And Confirming The Appointment Of The New Police Department Chief For The City Of Miami Beach.

(Human Resources)

**(Memorandum to be Submitted in Supplemental)**

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments.  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)
- R9A2 Reappointment Of Mayor Matti Herrera Bower To The Tourism Development Council.  
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Presentation By The Miami-Dade Water And Sewer Department, Related To Horizontal Directional Drilling (HDD) Options At The Government Cut Pipeline Relocation Project.  
(Public Works)
- R9D Discussion Regarding The Creation Of A Task Force To Help Resolve The Lack Of Health Services In Three Miami Beach Schools.  
(Requested by Vice-Mayor Jerry Libbin)
- R9E Discussion Regarding The Mayor And Commission Aide's Reclassification.  
(Requested by Commissioner Edward L. Tobin)
- R9F Discussion Regarding Appealing The Decision Of The DRB Not To Permit A Hedge In South Pointe Park  
(Requested by Vice-Mayor Jerry Libbin)
- R9G Report On The Washington Avenue Workshop Held On February 22, 2012.  
(Economic Development)  
**(Memorandum to be Submitted in Supplemental)**
- R9H Discussion Regarding The City Of Miami Beach Joining An Amicus Brief Prepared By Santa Clara County And Supported By The U.S. Conference Of Mayors Regarding The Immigration-Related Case Arizona V. United States.  
(Requested by Mayor Matti Herrera Bower)

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

R10B Closed Attorney-Client Session

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Museum Walk Apartments V. City Of Miami Beach, Eleventh Judicial Circuit Of Florida, Appellate Jurisdiction, Case Nos. 011-058; 060; 061; 063; 069, 070, 072-084; 086; 087; 115-124; 662-670.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On March 21, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jorge Gonzalez, City Attorney Jose Smith, First Assistant City Attorney Rhonda Montoya Hasan And First Assistant City Attorney Steven Rothstein.

R10C Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, March 21, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

**Reports and Informational Items**

Reports and Informational Items (see LTC 071-2012)

**End of Regular Agenda**